NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Dissolved Oxygen Criteria for Barataria and Terrebonne Basins
(LAC 33:IX.1105, 1113, and 1123) (WQ075)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1105, 1113, and 1123 (Log #WQ075).

The dissolved oxygen criteria is being revised for 60 water quality management subsegments in the Barataria and Terrebonne Basins, and Table 3 of LAC 33:IX.1123 is revised accordingly. This rule also includes minor clarifications to the narrative dissolved oxygen standard in LAC 33:IX.1113. The proposed criteria are based on the results presented in the department's Use Attainability Analysis of Barataria and Terrebonne Basins for Revision of Dissolved Oxygen Water Quality Criteria, which was technically approved by EPA Region 6 on May 5, 2008. Nationally-recommended dissolved oxygen (DO) criteria of 5 mg/L for freshwater and marine and 4 mg/L for estuarine waters are the current criteria in Louisiana, except where site-specific revisions have been made. For many Louisiana water bodies, natural, physical conditions (such as lack of slope and re-aeration potential) prevent attainment of the current nationally-based DO criteria. The Barataria and Terrebonne Basins in southeast Louisiana constitute one such area where levels of dissolved oxygen in ambient surface waters are naturally low.

Because incorrect criteria can result in erroneous use impairment decisions that impact a multitude of the state's water quality programs (e.g., total maximum daily load determinations, wastewater permitting, implementation of best management practices to reduce non-point source pollutant loads), it is critical to establish appropriate and protective DO criteria that are supportive of fish and wildlife propagation in these regions. Therefore, a Use Attainability Analysis (UAA) was conducted to support the development of ecoregion-based dissolved oxygen criteria for the Barataria and Terrebonne Basins.

According to the regulations, a UAA is defined as a structured scientific assessment of the factors affecting the attainment of a use which may include physical, chemical, biological, and economic factors (see 40 CFR 131.3(g) and LAC 33:IX.1105). The UAA process is described in 40 CFR 131.10 and LAC 33:IX.1109.B.3. It entails the methodical collection of data that is then scientifically analyzed and summarized and used to revise or establish uses and criteria. The results presented in the Barataria and Terrebonne UAA indicate the currently adopted dissolved oxygen criteria are inappropriate for some water bodies in the Barataria and Terrebonne Basins. The biological data collected supports that in these ecoregions diverse fish species are abundant in reference areas with naturally occurring, seasonal periods of low dissolved oxygen, and therefore, the fish and wildlife propagation use is supported. The basis

and rationale for this proposed rule are to revise the dissolved oxygen criteria for the Barataria and Terrebonne Basins, based on the Use Attainability Analysis. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on November 25, 2008, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Christopher A. Ratcliff at the address given below or at (225) 219-3471. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ075. Such comments must be received no later than December 2, 2008, at 4:30 p.m., and should be sent to Christopher A. Ratcliff, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to chris.ratcliff@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ075. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

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Executive Counsel

Title 33
ENVIRONMENTAL QUALITY

Part IX. Water Quality
Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards
§1105. Definitions

* * *

Ecoregion—a relatively homogeneous area of similar ecological characteristics such as climate, land surface form, soils, potential natural vegetation, land use, hydrology, and other ecologically relevant variables.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 34:**.

§1113. Criteria

A. – C.2. …

3. Dissolved Oxygen. The ~~following~~ statewide dissolved oxygen (DO) values represent minimum criteria for the types of water specified. (That is, a level below the criterion, as opposed to above the criterion, may indicate potential impairment.) ~~Naturally occurring variations below the criterion specified may occur for short periods. These variations reflect such natural phenomena as the reduction in photosynthetic activity and oxygen production by plants during hours of darkness. However, no waste discharge or human activity shall lower the DO concentration below the specified minimum.~~ These DO criteria are designed to protect indigenous wildlife and aquatic life species associated with the aquatic environment and shall apply except in those water bodies that have ecoregional-specific or site-specific criteria, ~~qualify for an excepted water use as specified in LAC 33:IX.1109.C~~ or where exempted or excluded elsewhere in these standards. DO criteria for specific state water bodies are contained in LAC 33:IX.1123. Naturally occurring variations below the criterion specified may occur for short periods. These variations reflect such natural phenomena as the reduction in photosynthetic activity and oxygen production by plants during hours of darkness. However, no waste discharge or human activity shall lower the DO concentration below the specified minimum.

a. Fresh Water. For a diversified population of fresh warmwater biota including sport fish, the DO criterion is~~concentration shall be at or above~~ 5 mg/L. *Fresh warmwater biota* is defined in LAC 33:IX.1105.

b. Estuarine Waters. For estuarine waters, the ~~Dissolved oxygen~~ DO criterion~~concentrations in estuarine waters shall not be less than~~is 4 mg/L~~ at any time~~.

c. Coastal Marine Waters (Including Nearshore Gulf of Mexico). For coastal marine waters, the ~~Dissolved oxygen~~ DO criterion~~concentrations in coastal waters shall not be less than~~is 5 mg/L~~, except when upwellings and other natural phenomena cause this value~~

~~to be lower~~.

C.4. – Table 1.A.Footnote f. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 34:**.

§1123. Numerical Criteria and Designated Uses

A. – E. …

Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use;
D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters

Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO_4	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									
* * *									
[See Prior Text in 010101 – 010901]									
Barataria Basin (02)									
020101	Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou	A B C F	65	50	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	430
020102	Bayou Boeuf, Halpin Canal, and Theriot Canal	A B C F	500	150	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,000
020103	Lake Boeuf	A B C	500	150	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,000
020201	Bayou Des Allemands–From Lac Des Allemands to old US-90 (Scenic)	A B C G	600	100	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320
020202	Lac Des Allemands	A B C	600	100	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,320
020301	Bayou Des Allemands–From US-90 to Lake Salvador (Scenic)	A B C G	600	100	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320

020302	Bayou Gauche	A B C	600	100	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320
020303	Lake Cataouatche and Tributaries	A B C	500	150	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,000
020303 -001	Luling Wetland–Forested wetland located 1.8 miles south of US-90 at Luling, east of the Luling wastewater treatment pond, bordered by Cousin Canal to the west and Louisiana Cypress Lumber Canal to the south	B C	[23]	[23]	[23]	[23]	2	[23]	[23]
020304	Lake Salvador	A B C	600	100	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,320
020401	Bayou Lafourche–From Donaldsonville to ICWW at Larose	A B C D	70	55	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
020402	Bayou Lafourche–From ICWW at Larose to Yankee Canal (Estuarine)	A B C	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	N/A
020403	Bayou Lafourche–From Yankee Canal and saltwater barrier to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	32	N/A
020501	Sauls, Avondale, and Main Canals	A B C	65	50	5.0	6.0-8.5	1	32	430
020601	Intracoastal Waterway–From Bayou Villars to Mississippi River (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020701	Bayou Segnette–From headwaters to Bayou Villars	A B C	600	100	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,320

020801	Intracoastal Waterway–From Larose to Bayou Villars and Bayou Barataria (Estuarine)	A B C	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	35	N/A
020802	Bayou Barataria and Barataria Waterway–From ICWW to Bayou Rigolettes (Estuarine)	A B C	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	35	N/A
020901	Bayou Rigolettes and Bayou Perot to Little Lake (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
020902	Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020903	Barataria Waterway (Estuarine)	A B C	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	35	N/A
020904	Wilkinson Canal and Wilkinson Bayou (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
020905	Bayou Moreau (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
020906	Bay Rambo (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020907	Bay Sansbois, Lake Judge Perez, and Bay De La Cheniere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021001	Lake Washington, Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay, Spanish Pass, and Bay Jacques (Estuarine)	A B C E	N/A	N/A	4.0	6.5-8.5	4	35	N/A
021101	Barataria Bay; includes Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A

021102	Barataria Basin Coastal Bays and Gulf Waters to the State 3-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Calcasieu River Basin (03)									
* * *									
[See Prior Text in 030101 – 110701]									
Terrebonne Basin (12)									
120102	Bayou Poydras–From headwaters to Bayou Choctaw	A B C	250	75	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120103	Bayou Choctaw–From Bayou Poydras to Bayou Grosse Tete	A B C	250	75	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120104	Bayou Grosse Tete–From headwaters to ICWW near Wilbert Canal	A B C	25	25	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	200
120105	Chamberlin Canal–From Chamberlin to Bayou Choctaw	A B C	250	75	5.0	6.0-8.5	1	32	500
120106	Bayou Plaquemine–From Plaquemine Lock to ICWW	A B C	250	75	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120107	Upper Grand River and Lower Flat River–From headwaters to ICWW	A B C	250	75	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120108	False River	A B C	25	25	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	200
120109	Intracoastal Waterway–From Port Allen Locks to Bayou Sorrel Locks	A B C D	60	40	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120110	Bayou Cholpe–From headwaters to Bayou Choctaw	A B C	25	25	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	200
120111	Bayou Maringouin–From headwaters to East Atchafalaya Basin Levee	A B C	25	25	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	200

120201	Lower Grand River and Belle River–From Bayou Sorrel Lock to Lake Palourde; includes Bay Natchez, Lake Natchez, Bayou Milhomme, and Bayou Long	A B C	60	40	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120202	Bayou Black–From ICWW to Houma	A B C D	85	40	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
120203	Bayou Boeuf–From Lake Palourde to ICWW	A B C D	250	75	5.0	6.0-8.5	1	32	500
120204	Lake Verret and Grassy Lake	A B C	100	75	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	350
120205	Lake Palourde	A B C D	100	75	~~5.0~~3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	350
120206	Grand Bayou and Little Grand Bayou–From headwaters to Lake Verret	A B C	60	40	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120207	Thibodaux Swamp–Forested wetland located in Lafourche and Terrebonne Parishes, 6.2 miles southwest of Thibodaux, east of Terrebonne-Lafourche Drainage Canal, and north of Southern Pacific Railroad; also called Pointe Au Chene Swamp	B C	[5]	[5]	[5]	[5]	2	[5]	[5]
120208	Bayou Ramos Swamp Wetland–Forested wetland located 1.25 miles north of Amelia in St. Mary Parish, south of Lake Palourde	B C	[18]	[18]	[18]	[18]	2	[18]	[18]

120301	Bayou Terrebonne–From Thibodaux to ICWW in Houma	A B C	540	90	~~5.0~~2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,350
120302	Bayou Folse–From headwaters to Company Canal	A B C D F	500	150	5.0	6.5-9.0	1	32	1,000
120303	Bayou L'eau Bleu–From Company Canal to ICWW	A B C	500	150	~~5.0.~~ 2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.5-9.0	1	32	1,000
120304	Intracoastal Waterway–From Houma to Larose	A B C D F	250	75	~~5.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	32	500
120401	Bayou Penchant–From Bayou Chene to Lake Penchant	A B C G	500	150	5.0	6.5-9.0	1	32	1,000
120402	Bayou Chene–From ICWW to Bayou Penchant	A B C	250	75	~~5.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-8.0	1	32	500
120403	Intracoastal Waterway–From Bayou Boeuf Locks to Bayou Black in Houma; includes segments of Bayous Boeuf, Black, and Chene	A B C D F	250	75	~~5.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-8.5	1	32	500
120404	Lake Penchant	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120405	Lake Hache and Lake Theriot	A B C	500	150	5.0	6.0-8.5	1	32	1,000
120406	Lake de Cade	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120501	Bayou Grand Caillou–From Houma to Bayou Pelton	A B C	500	150	~~5.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-8.5	1	32	1,000
120502	Bayou Grand Caillou–From Bayou Pelton to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
120503	Bayou Petit Caillou–From Bayou Terrebonne to LA-24 bridge	A B C E	500	150	~~5.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	32	1,000

120504	Bayou Petit Caillou–From LA-24 bridge to Boudreaux Canal (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	32	N/A
120505	Bayou Du Large–From Houma to Marmande Canal	A B C	500	150	~~5.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	1,000
120506	Bayou Du Large–From Marmande Canal to 1/2 mile north of St. Andrews Mission (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	35	N/A
120507	Bayou Chauvin–From Ashland Canal to Lake Boudreaux (Estuarine)	A B C	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	32	N/A
120508	Houma Navigation Canal–From Bayou Pelton to 1 mile south of Bayou Grand Caillou (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
120509	Houma Navigation Canal–From Houma to Bayou Pelton	A B C D	500	150	~~5.0~~3.8 June-Aug.; 4.0 Sept.-May	6.0-8.5	1	32	1,000
120601	Bayou Terrebonne–From Houma to Company Canal (Estuarine)	A B C	445	105	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	1	32	1,230
120602	Bayou Terrebonne–From Company Canal to Humble Canal (Estuarine)	A B C E	5,055	775	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	32	10,000
120603	Company Canal–From ICWW to Bayou Terrebonne	A B C	500	150	~~5.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1	32	1,000
120604	Bayou Blue–From ICWW to Grand Bayou Canal	A B C	445	105	~~5.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	1,000
120605	Bayou Pointe Au Chien–From headwaters to St. Louis Canal	A B C	445	105	~~5.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	1,000

120606	Bayou Blue–From Grand Bayou Canal to Bully Camp Canal (Estuarine)	A B C	5,055	775	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1	32	10,000
120701	Bayou Grand Caillou–From Houma Navigation Canal to Caillou Bay (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
120702	Bayou Petit Caillou–From Boudreaux Canal to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	32	N/A
120703	Bayou Du Large–From 1/2 mile north of St. Andrews Mission to Caillou Bay (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4	35	N/A
120704	Bayou Terrebonne–From Humble Canal to Lake Barre (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4	35	N/A
120705	Houma Navigation Canal–From 1/2 mile south of Bayou Grand Caillou to Terrebonne Bay (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
120706	Bayou Blue–From Bully Camp Canal to Lake Raccourci (Estuarine)	A B C E	N/A	N/A	~~4.0~~3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4	35	N/A
120707	Lake Boudreaux	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120708	Lost Lake and Four League Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120709	Bayou Petite Caillou–From Houma Navigation Canal to Terrebonne Bay	A B C E	N/A	N/A	~~5.0~~3.8 June-Aug.; 4.0 Sept.-May	6.0-9.0	4	32	N/A
120801	Caillou Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120802	Terrebonne Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120803	Timbalier Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A

120804	Lake Barre	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120805	Lake Pelto	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120806	Terrebonne Basin Coastal Bays and Gulf Waters to the State 3-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A

ENDNOTES:

[1] – [24] …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 34:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: WQ075

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Dept.: Department of Environmental Quality
Office: Office of Environmental Assessment

Rule Title: Dissolved Oxygen Criteria for Barataria and Terrebonne Basins (LAC 33:IX.1105, 1113, 1123)

Date Rule Takes Effect: Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule is expected to have no significant effect on state or local governmental expenditures. This action may result in the removal of some water bodies from the state's 303(d) list (i.e., list of impaired water bodies) for dissolved oxygen. The removal may result in a marginal decrease in the costs to municipal waste treatment facilities related to TMDL implementation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect on state or local governmental revenue collections is anticipated. The changes proposed in this revision are not expected to affect state or local municipal sewage treatment plants.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No significant increase or decrease in costs and/or economic benefits to directly affected persons or non-governmental groups is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition or employment is anticipated.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

LDEQ is proposing to revise the dissolved oxygen criteria for 60 water quality management subsegments in the Barataria and Terrebonne Basins, and Table 3 of LAC 33:IX.1123 is revised accordingly. This rule also includes minor clarifications to the narrative dissolved oxygen standard in Section 1113.C. The proposed criteria are based on the results presented in LDEQ's *Use Attainability Analysis of Barataria and Terrebonne Basins for Revision of Dissolved Oxygen Water Quality Criteria,* which was technically approved by EPA Region 6 on May 5, 2008.

B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Nationally- recommended dissolved oxygen (DO) criteria of 5 mg/L for freshwater and marine and 4 mg/L for estuarine waters are the current criteria in Louisiana, except where site-specific revisions have been made. For many Louisiana water bodies, natural, physical conditions (such as lack of slope and re-aeration potential) prevent attainment of the current nationally-based DO criteria. The Barataria and Terrebonne Basins in southeast Louisiana constitute one such area where levels of dissolved oxygen in ambient surface waters are naturally low.

Because incorrect criteria can result in erroneous use impairment decisions that impact a multitude of the State's water quality programs (e.g., total maximum daily load determinations, wastewater permitting, implementation of best management practices to reduce non-point source pollutant loads), it is critical to establish appropriate and protective DO criteria that are supportive of fish and wildlife propagation in these regions. Therefore, a Use Attainability Analysis (UAA) was conducted to support the development of ecoregion-based dissolved oxygen criteria for the Barataria and Terrebonne Basins.

C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule will not result in any increase in expenditures.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ____ Yes. If yes, attach documentation.
(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY08-09	FY09-10	FY10-11
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR & CONSTR	0	0	0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be no increase or decrease in costs to implement the proposed action. This action may result in the removal of some water bodies from the state's 303(d) list (i.e., list of impaired water bodies) for dissolved oxygen. The removal may result in a marginal decrease in the costs to municipal waste treatment facilities related to TMDL implementation.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY08-09	FY09-10	FY10-11
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

There are sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No significant impact is anticipated on local governments, either due to effects on revenue collections or as a result of adjustments in workload and paperwork requirements. No proposed changes in this rule are expected to affect municipal sewage treatment systems.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No sources of funding are expected to be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY08-09	FY09-10	FY10-11
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There will be no increase or decrease in revenues due to the proposed action.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No significant impact on directly affected persons or non-governmental groups is anticipated.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No significant impact on receipts and/or income is anticipated. These standards changes will not impose a significant increase or decrease in costs beyond that attributable to existing state and federal permit requirements.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No significant impact on competition or employment is anticipated. The proposed changes are not expected to affect the operation of any permitted discharger.